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Fifty-eighth session
Agenda item 117 (a), (b) and (c)
Human rights questions: implementation of human rights instruments; human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms; human rights situations and reports of special rapporteurs and representatives

Letter dated 21 April 2004 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

I have the pleasure to report to you on a statement by our Leader, Muammar Qaddafi, in which he called upon the Libyan Arab People to abolish the People's Court and other similar institutions (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under item 117 (a), (b) and (c) of the provisional agenda.

(*Signed*) Ahmed A. **Own**
Chargé d'affaires a.i.

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Annex to the letter dated 21 April 2004 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

Leader Muammar Qaddafi calls upon the Libyan People to abolish the People's Court and other similar institutions

In his meeting with law, justice and prosecution officials, Colonel Muammar Qaddafi called on the Libyan people to abolish the exceptional People's Court and other similar institutions as well as the criminal laws promulgated by the Revolution Command Council before the establishment of the People's Authority and to put normal procedural and criminal laws back into force.

He requested the holding of a final inquiry into Abu Salim prison and demanded a halt to all legal measures such as arrest without a warrant from the office of the public prosecutor and extrajudicial punishment, if such violations existed.

He said that it was not permissible to prevent any detainee or prisoner from being visited by his relatives or his lawyer and that such detainees and prisoners had the right to choose a lawyer from outside people's legal aid if they wished. They should continue to be allowed to leave the prison and visit their families on social occasions and holidays.

He asked the Libyan people to ratify the conventions against torture immediately, strongly criticizing Governments that had not ratified those conventions and States that engaged in oppressive measures against detainees and failed to bring to justice police or prison employees who practised such measures.

He expressed deep regret at the cruel acts committed by Governments throughout the world against their own nationals and against foreigners, as described in the reports of Amnesty International, which he reviewed for those present. He called upon the People's Committees for Justice in Libya to cooperate with Amnesty International and human rights organizations, whose efforts he praised.

He also called upon Libya to play a world leadership role in defending human rights, since it was the world's first country founded on the interests of the masses, the authority of the people and the jamahiriya system for all men and women.

Legislation promulgated by the Revolution was necessary at the time

Penal and procedural legislation enacted in the early stages of the Revolution was needed during that period and was accompanied by measures that may have been harsh. At the time they were considered temporary and exceptional, like wartime conditions. He pointed out that such measures could not be deemed permanent and must be re-examined, for their time had passed.

He added that at the start of the Revolution the wish was for Libya, through its international theses and its participation in the movement for the liberation of peoples, to be a model of freedom and popular democracy. Unfortunately, however, that had not happened, for Libya had joined the list of traditional States. That was regrettable, because the Libyans were not like that. Libya had come to be ranked thus because it was in a third-world region accused of all sorts of evils.

The world did not distinguish between a coup d'état and what happened in Libya

He pointed out that the world did not distinguish between the military coups carried out by generals in the third world and what happened in Libya in 1969.

He emphasized that what happened in Libya was a popular revolution with its own ideology and theoretical and practical programme; the revolution in Libya was a reaction and a correction to the approach adopted in the third world.

Parties and the party system are passé

He stressed that parties and party politics were out of date in today's world since it had become clear that they were unable to solve the political, social and economic problems with which every country in the world was seething.

He pointed out that political parties all over the globe had demonstrated their inability to solve the problems of all societies. In fact, the leaders of ruling parties in many countries had taken it upon themselves to take decisions single-handedly on issues of importance to the masses, such as the declaration of war. He mentioned that the masses had begun demonstrating in the streets of cities throughout the world, pointing an accusing finger at the party system and the misery, hardship and unemployment that it had inflicted on them.

He stated that in the modern world, with its many new developments, there was no room for the old partisan forms and that rule by a single party, a single individual or a family were time-worn, for the modern age was the age of the masses, the age of the power of the people.

The performance of religious practices is a right guaranteed by all the world's constitutions

He stated that the performance of religious practices was a right guaranteed by all the world's constitutions and social systems, provided that it did not impair the freedom of the community, give rise to any discrimination within it or undermine its social institutions.

He emphasized that sectarianism and factionalism in Islam were a heretical innovation, for the religion of Islam was one, any other rites, signs or distinctions not being permitted, because they undermined the social institutions of the community.

Capital punishment is a violation of international standards

The Leader of the Revolution stated that the United States of America continued to violate international standards inasmuch as it made use of capital punishment, including the execution of persons aged less than 18 years. He pointed out that death sentences had been carried out in a total of 820 persons in United States during the year 2000. He also mentioned the excessive use of force by police and prison officials in the United States and the subjection of prisoners and detainees to beatings and electric shocks.

He further pointed out that during 2002 more than 100 persons had been executed in Japan out of a larger number who had been sentenced to death. The Japanese authorities, he said, had begun executing death sentences in secret and

citizens were actually prevented from seeing their relatives in the final moments of their lives.

World constitutions incriminate the subversion of social institutions

Mr. Qaddafi mentioned that all legal systems considered as criminal anyone who attempted to undermine the political system of his community and held him answerable under the law.

He said that there was legislation throughout the world against anyone who tried to undermine the social system or to destroy any of its cornerstones under any pretext whatsoever, such as freedom of expression, for example, and that the laws of States that advocated democracy contained provisions for the punishment of their citizens should they attempt to undermine the system prevailing in the country.

As an example of this, he referred to the possibility of tightened surveillance of anyone who violated the laws of his country. This was true, for example, of the constitutions of France, Germany and other countries, where laws permitted interference with the freedom of any individual who constituted a threat to the social establishment in his country, the examination of personal letters and messages sent or received by him, listening in on his telephone conversations, etc. The primary purpose of all the laws passed was to maintain the system approved by the society and prevent any violation of it.

He mentioned that many countries of the world rejected and opposed the establishment of extremist and fascist parties, as in the case of France and Austria, because their constitutions viewed such parties as detracting from or conflicting with their social systems and institutions or as detrimental to the tranquillity of their peoples.

No prisoners of opinion in Libya

He stated that in Libya there were no prisoners of opinion, prisoners of conscience or political prisoners. In Libya, he said, one expressed one's opinion in the People's Congress. If the Congress was pleased with it, it would be presented to the 400 other Congresses for discussion. And if those 400 Congresses approved it, it would become law, while if they rejected it, it would not. Hence there could be no prisoner of opinion in Libya.

He pointed out that in the first month or two following the Revolution there were people who began to devise plots and were imprisoned. However, they were released, despite the fact that some of them had been sentenced to death or to life imprisonment.

He said that Libyans would not permit anyone to fill them with doubts about their doctrine, to outbid them or to form a party so as to come into power, control people and become an agent of a foreign entity. Anyone who tried to undermine the spiritual aspect of Libyan society would not be permitted to do so. A severe penalty would be imposed on him, up to and including death, because the Great Green Document on Human Rights in the Age of the Masses prescribed the death penalty for anyone whose existence posed a danger to others.

Amnesty International has asked Libya to play a role in promoting human rights in the world

The Leader announced that Amnesty International, just as it focused on human rights issues in Libya, was interested in the contribution that Libya might make to the strengthening of international and regional institutions.

The President of the organization had requested him to have Libya play a role in promoting human rights in the world, indicating that in order to play that role, Libya would have to eliminate certain criticisms levelled against it, such as the fact that it had not signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Libya should be the first to sign that Convention because it was the leader of a world revolution — a revolution that heralded liberation; that would end tyranny and exploitation; that preached that the foundation of the rights of human beings was to determine their own destiny, to have no one controlling them and to rule themselves without any intermediary, proxy, government or president.

Referring to the question of freedom of expression in Western societies, Mr. Qaddafi said that an employee or labourer who was dismissed from work would be allowed to demonstrate and would be told, "Now you're exercising your right to freedom of expression". Such freedom, however, was ludicrous, because the worker had been expelled from his job and robbed of the fruits of his labour. Yet the fruits of his efforts should not be stolen by anyone. Hence the expression "partners, not wage-earners", which meant "to each according to his efforts".

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General Assembly

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19 April 2004

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Fifty-eighth session
Agenda item 138
Financing of the United Nations Organization Mission in the Democratic Republic of the Congo

Financing arrangements for the United Nations Organization Mission in the Democratic Republic of the Congo for the period from 1 July 2003 to 30 June 2004

Note by the Secretary-General

1. By its resolution 57/335 of 18 June 2003 on the financing of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), the General Assembly appropriated and apportioned among Member States a total amount of $608,228,150 gross ($593,628,914 net), inclusive of $582 million gross ($572,289,264 net) for the maintenance of the Mission for the period from 1 July 2003 to 30 June 2004, $20,083,850 gross ($15,558,650 net) for the support account for peacekeeping operations and $6,144,300 gross ($5,781,000 net) for the United Nations Logistics Base at Brindisi, Italy.

2. Subsequently, by its resolution 58/259 of 23 December 2003, the General Assembly appropriated the additional amount of $59,038,300 gross and net for the maintenance of MONUC for the same period. Based on the recommendation of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 55 of its report on the financing of MONUC (A/58/447 and Corr.1), the General Assembly did not apportion the additional amount of $59,038,300 among Member States. As shown in table 1 below, the total appropriation for the maintenance of MONUC for the 2003/04 financial period amounted to $641,038,300 gross ($631,327,564 net), of which an amount of $582 million gross ($572,289,264 net) has been apportioned among Member States.

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Table 1
Appropriation and apportionment for the 2003/04 period for the maintenance of MONUC

(In United States dollars)

	Gross	*Net*	*Staff assessment*
A. Appropriation			
Resolution 57/335	582 000 000	572 289 264	9 710 736
Resolution 58/259	59 038 300	59 038 300	-
Total	**641 038 300**	**631 327 564**	**9 710 736**
B. Apportionment			
Resolution 57/335	582 000 000	572 289 264	9 710 736
Resolution 58/259	-	-	-
Total	**582 000 000**	**572 289 264**	**9 710 736**
C. Difference (A less B)	59 038 300	59 038 300	-

3. As at 31 March 2004, expenditures incurred by MONUC amounted to $515,604,600 gross ($507,023,300 net), inclusive of unliquidated obligations in the amount of $203,584,800. This represents 80 per cent of the appropriation provided by the General Assembly for the maintenance of the Mission for the 2003/04 financial period. Based on the projected requirements for the April-June 2004 period, estimated at $125,433,700 gross ($122,367,500 net), it is anticipated that the Mission will fully utilize the appropriation of $641,038,300 provided by the General Assembly for its maintenance for the 2003/04 period. The projected full utilization of resources is primarily attributable to the full deployment of military contingents and resulting requirements for the reimbursement of troop-contributing Governments for troop costs, contingent-owned equipment and self-sustainment. As indicated in table 2 below, the amount of $59,038,300 gross ($57,101,536 net) represents the difference between the projected expenditures and amounts apportioned among Member States by the Assembly for the maintenance of MONUC for the 2003/04 period.

Table 2
Apportionment and projected expenditures for the 2003/04 period for the maintenance of MONUC

(In United States dollars)

	Gross	*Net*	*Staff assessment*
A. Projected expenditure	641 038 300	629 390 800	11 647 500
B. Apportionment	582 000 000	572 289 264	9 710 736
C. Difference (A less B)	59 038 300	57 101 536	1 936 764

4. In order to ensure timely reimbursement of troop-contributing Governments for troop costs, contingent-owned equipment and self-sustainment, payment of mission subsistence allowance to military observers, civilian police and international civilian staff, as well as to meet payroll costs and contractual obligations for the acquisition of equipment and for services rendered to MONUC, it is essential that the Mission be provided with sufficient cash resources.

5. **The General Assembly is therefore requested:**

(a) To apportion among Member States the amount of $59,038,300 for the period from 1 July 2003 to 30 June 2004;

(b) To set off against the apportionment among Member States their respective share in the Tax Equalization Fund of the estimated additional staff assessment income of $1,936,764, in accordance with the provisions of its resolution 973 (X) of 15 December 1955.

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General Assembly

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Fifty-eighth session
Agenda item 73 (p)
General and complete disarmament: implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction

Letter dated 19 April 2004 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

I have the honour to inform you that the Government of the Republic of Tajikistan, with the support of the United Nations Development Programme and the Geneva International Centre for Humanitarian Demining, convened a conference on the topic "Progress towards the Ottawa Convention's Aims in Central Asia" on 15 and 16 April 2004 in Dushanbe.

The Dushanbe conference was held in accordance with the President's Action Programme for implementing the Convention, adopted at the fifth meeting of States parties in September 2003.

Delegations from the Central Asian countries, China and Afghanistan, donor States, international organizations and also diplomatic missions of foreign and international organizations accredited to Tajikistan took part in the Conference.

Her Majesty Queen Noor of Jordan addressed the Conference and participated in its work.

I should be most grateful if you would have this letter and the statement by the Co-Chairmen of the Dushanbe Landmine Conference annexed to it distributed as a document of the General Assembly under agenda item 73 (p) of the fifty-eighth session.

(*Signed*) Rashid **Alimov**
Ambassador
Permanent Representative of the Republic of Tajikistan to the United Nations

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Annex to the letter dated 19 April 2004 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

[Original: English and Russian]

Progress towards the Ottawa Convention's Aims in Central Asia

Dushanbe Landmine Conference, 15-16 April 2004

Statement by the Co-Chairmen

A conference on the topic "Progress towards the Ottawa Convention's Aims in Central Asia", convened by His Excellency Mr. Talbak Nazarov, Minister for Foreign Affairs of the Republic of Tajikistan, was held on 15 and 16 April 2004 in Dushanbe. The Dushanbe Conference was organized by the Ministry of Foreign Affairs of the Republic of Tajikistan and the United Nations Development Programme (UNDP) with the support of the Geneva International Centre for Humanitarian Demining (GICHD).

The Dushanbe Conference was held in accordance with the President's Action Programme for implementing the Convention, adopted at the fifth meeting of States parties in September 2003. In that document, the President of the meeting, His Excellency Dr. Surakiart Sathirathai, Minister for Foreign Affairs of Thailand, stated that, in implementing the Convention, each region was encountering its own problems and using its own potential, which required regional initiatives and measures to raise awareness of the fact that resolving the issue of anti-personnel mines was a continuous process leading towards the Convention's First Review Conference.

The opening remarks were delivered by His Excellency Mr. Saidamer Zuhurov, Deputy Prime Minister for Security; His Excellency Mr. Sorayoutht Prompog, representing the President of the fifth meeting of States parties; Her Excellency Ms. Heidemaria Guerer, Ambassador of Austria to Tajikistan; His Excellency Mr. Christian Faessler, member of the Council of the Geneva International Centre for Humanitarian Demining (GICHD); His Excellency Mr. Yves Bargain, Head of the Centre of the Organization for Security and Cooperation in Europe (OSCE) in Dushanbe; Professor Daniel Thurer, member of the Committee of the International Committee of the Red Cross (ICRC); and Mr. William Paton, United Nations Resident Coordinator. The speakers underscored the importance of the Dushanbe Conference in ensuring dialogue among all the Central Asian States on the problems caused by the use of anti-personnel mines in the region.

Following an overview of the Convention provided by the GICHD representative, Mr. Kerry Brinkert, Manager of the Convention's Implementation Support Unit, the Conference heard detailed reports on the efforts being undertaken by the Republic of Tajikistan to destroy stockpiled anti-personnel mines, clear mined areas and take legislative and other measures to prevent and suppress prohibited acts. It was pointed out, in particular, that Tajikistan had completed its programme to destroy landmine stockpiles on 31 March 2004 and had achieved significant progress in preparing to clear mined areas. The Co-Chairmen noted with

satisfaction that Tajikistan was undertaking efforts to carry out its obligations under the Convention.

ICRC provided an overview of the human impact of anti-personnel mines. Dr. Mohammad Haider Reza, Deputy Minister for Foreign Affairs of Afghanistan, then informed the participants in the Conference of the steps being taken by his country to implement the Convention. The Co-Chairmen expressed their satisfaction to the representative of Afghanistan — the country with the largest number of landmines — for its determination to implement the Convention and noted that Turkmenistan's decision to reduce significantly the number of anti-personnel mines, which had been indicated previously, required retaining a small quantity of them for training in accordance with article 3 of the Convention.

Representatives of OCSC, UNDP, GICHD, NATO, ICRC and the Swiss Foundation for Mine Action made presentations on assistance provided or made available by their organizations to support the States of Central Asia in dealing with problems caused by anti-personnel mines. The Co-Chairmen noted that the efforts of those organizations and the funds provided by the donors were concrete demonstrations of the international community's intention to work in partnership in order to fulfil the humanitarian aims of the Convention.

Noting that more than 140 States had acceded to the Convention, including several militarily significant countries as well as countries experiencing serious security problems, Lieutenant Colonel (Retired) John MacBride of Canada emphasized that States were fully able to ensure their security without the use of anti-personnel mines. Representatives of countries which are not parties to the Convention then addressed the Conference, sharing their views regarding the Convention.

The importance of the Dushanbe Conference, which had served as an informal forum of central Asian countries in preparing for the Convention's First Review Conference — the Nairobi Summit on a Mine-Free World — was underscored by Austrian Ambassador Heidemaria Guerer on behalf of the Nairobi Summit's President-Designate, Ambassador Wolfgang Petritsch. It was noted that the States parties were placing their hopes in the Nairobi Summit and aimed to participate in it. The International Campaign to Ban Landmines (ICBL) shared those expectations for the Summit, expressing the hope that 150 States would have acceded to the Convention by the time that it was held, that non-state armed forces would observe the Convention's standards, that an understanding would be reached on the interpretation of various articles of the Convention, and that significant success would be achieved in destroying stockpiles, providing assistance to victims, and demining.

In summing up the results of the Dushanbe Conference, the Co-Chairmen expressed the belief that the Conference was an important step towards achieving mutual agreement among the countries of the region, noted the commitment of the States parties in Central Asia to implement the Convention, welcomed the desire of States in other regions to engage in a dialogue on addressing the threat posed by anti-personnel mines to peace and security, invited those States to take measures to adopt the Convention, and once again reiterated their appeal to States and relevant organizations to participate at the highest level in the Nairobi Summit on a Mine-Free World.

The concluding address at the Dushanbe Conference was given by Her Majesty Queen Noor of Jordan.

(*Signed*) Salohiddin **Nasriddinov**
Deputy Minister for Foreign Affairs

(*Signed*) William **Paton**
United Nations Resident Coordinator